

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

KELLY WICKHAM,

Plaintiff,

vs.

COMMUNITY CORRECTION AND
COUNSELING SERVICES,
MICHAEL THATCHER, MEDICAL
PROVIDER No. 1 (name unknown),
and MEDICAL PROVIDER No. 2
(name unknown),

Defendants.

CV-15-18-BU-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge Jeremiah Lynch entered Findings and Recommendations in this matter on July 20, 2015. (Doc. 18). Neither party filed objections. The Court need not review *de novo* the proposed Findings and Recommendations when a party makes no objections. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Lynch's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Plaintiff Kelly Wickham filed a motion for default judgment on July 20, 2015. (Doc. 17). Wickham's motion alleges that the Defendants failed to file a responsive pleading and that it had been more than 70 days since the original service order was served. *Id.* Judge Lynch recommends that this Court deny Wickham's motion for default judgment. (Doc. 18).

Entry of default or default judgment is permissible when a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise. Fed. R. Civ. P. 55. The Defendants timely filed their Answer to Wickham's Amended Complaint on July 14, 2015. (Doc. 14). Entry of default or default judgment is inappropriate.

IT IS HEREBY ORDERED that plaintiff Kelly Wickham's Motion for Default Judgment (Doc. 17) is DENIED.

DATED this 10th day of August, 2015.



Brian Morris
United States District Court Judge